

~~SEALED~~

CASE UNSEALED 6/17/13

kcm

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED
JUN 13 2013
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY **RO** DEPUTY

UNITED STATES OF AMERICA,

CASE NO. _____

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 18 U.S.C. § 2252(a)(2) -
 Receipt of Images of Children
 Engaged In Sexually Explicit
 Conduct

JEREMY ANDREW SMITH,

Defendant.

Title 18 U.S.C. § 2252(a)(4)(B) -
 Possession of Images of Minors
 Engaged in
 Sexually Explicit Conduct

***13MJ2267**

The undersigned Complainant, being duly sworn, states:

Count 1

On or about and between October 1, 2012 and November 8, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH did knowingly receive any visual depiction that had been mailed, shipped and transported in interstate and foreign commerce, and which was produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depiction was of such conduct; in violation of Title 18, United States Code, Section 2252(a)(2).

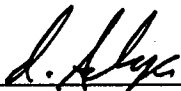
Count 2

On or about November 8, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH did knowingly possess visual

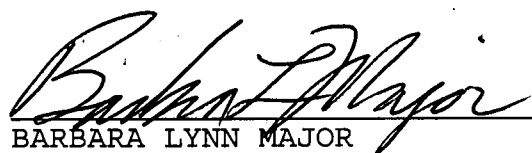
/RO

1 depictions using any means and facility of interstate and foreign
2 commerce, and that had been mailed, shipped and transported in and
3 affecting interstate and foreign commerce, and which contains
4 materials which have been mailed, shipped and transported in
5 interstate and foreign commerce, by any means including by computer,
6 the production of which involved the use of a minor engaging in
7 sexually explicit conduct, as defined in Title 18, United States Code,
8 Section 2256(2), and which visual depiction(s) were of such conduct;
9 in violation of Title 18, United States Code, Section 2252(a)(4)(B).

10 And the complainant states that this complaint is based on the
11 attached Statement of Facts incorporated herein by reference.

12
13
14 
15 ISMAEL SELGA, Special Agent
16 Homeland Security Investigations

17 Sworn to me and subscribed in my presence this 13 day of June, 2013.

18
19 
20 BARBARA LYNN MAJOR
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28

1 **AFFIDAVIT IN SUPPORT OF COMPLAINT**

2 On September 11, 2012, Special Agents with the Department of
3 Homeland Security, Homeland Security Investigations in El Paso, Texas
4 identified an IP address associated with a peer-to-peer file sharing
5 program that appeared to be associated with files containing child
6 pornography. A summons to the internet service provider identified
7 the subscriber of the internet service for the IP address to be Jeremy
8 Smith at Fort Bliss, Texas. In early October, those agents viewed
9 files available at the suspected IP address and identified files to
10 contain visual depictions of minors engaged in sexually explicit
11 conduct, including a video of a 10 to 11 year old minor female as she
12 is sexually penetrated by an adult male until he ejaculates on the
13 child's face.

14 On October 11, 2012, the agents in El Paso sent a lead to HSI San
15 Diego upon learning that Jeremy Smith had moved from El Paso to San
16 Diego, California. On October 23, 2012, HSI agents in San Diego
17 conducted a search for a file sharing program with a GUID (a unique
18 digital marker associated with a particular file sharing program) that
19 matched the GUID for the program associated with the IP address
20 identified in El Paso, Texas. HSI agents identified a new IP address
21 associated with that GUID. A summons revealed that the subscriber of
22 the internet service for the IP address was a woman later identified
23 as Jeremy Smith's mother.

24 On October 24, 2012, agents confirmed that the new IP address had
25 files containing child pornography available on the eDonkey network.
26 One video showed a 9 to 10 year old female child performing oral sex
27 on a 10 to 12 year old male.

1 A federal search warrant was executed at Jeremy Smith's residence
2 on November 8, 2012. Agents seized electronic media including two
3 computers, a laptop, a cell phone, an Apple iPad, and three external
4 hard drives. A forensic analysis confirmed the presence of child
5 pornography, including approximately 400 videos depicting minors
6 engaged in sexually explicit conduct and 300 images of the same. I
7 reviewed one of the videos, which was approximately 6 minutes and 31
8 seconds in length. It depicted a 7 to 10 year old minor female as she
9 was fondled on her vagina by an adult male hand. The adult male then
10 rubs the girl's vagina with a glass bottle before inserting his finger
11 in her anus. Toward the end of the video, the adult male appears to
12 penetrate the girl with his penis and being to have sexual
13 intercourse. The girl appears to be in pain.

14 In an interview conducted at the time of the search, Jeremy Smith
15 admitted that he downloaded child pornography using a file-sharing
16 program. He identified the media that would contain the child
17 pornography and stated that he "had an issue with child pornography
18 for some time." He stated that he "needed help with his problem of
19 looking at child pornography."

20 Request for Sealing

21 It is further respectfully requested that this Court issue an
22 Order sealing, until further order of this Court, all papers
23 submitted in support of this complaint, including the probable
24 cause statement and arrest warrant. Sealing is necessary because
25 premature disclosure of the contents of this probable cause
26 statement and related documents may cause the defendant to flee and
27 may cause destruction of evidence and may have a negative impact on
28 this continuing investigation.